

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CECIL KOGER,	:	
	:	Case No. 4:17-CV-02409
Plaintiff,	:	
	:	Judge Benita Y. Pearson
v.	:	
	:	
DIRECTOR GARY MOHR, et al.,	:	
	:	
Defendants.	:	

**DEFENDANTS' MOTION FOR CLARIFICATION OF ORDER (ECF. 64), OR IN THE
ALTERNATIVE, MOTION TO RESCHEDULE FINAL PRETRIAL CONFERENCE**
and
**MOTION TO PERMIT PERSON WITH SETTLEMENT AUTHORITY TO ATTEND
VIA TELEPHONE**

Defendants, by and through counsel, respectfully request clarification of the Court's Order (ECF 64) regarding the incarcerated plaintiff's appearance at the July 14, 2021 final pretrial hearing via video conferencing, or in the alternative, request to reschedule the July 14, 2021 hearing. Defendants also respectfully request that a person with settlement authority be permitted to attend the final pretrial hearing via telephone.

Respectfully submitted,

DAVE YOST
Ohio Attorney General

s/ Mindy Worly

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Trial Attorney for Defendants

MEMORANDUM

First, Defendants respectfully seek clarification. The Court specifically ordered that the plaintiff attend the July 14, 2021 final pretrial hearing via Zoomgov. ECF 64. However, undersigned counsel's staff has been notified by the Ohio Department of Rehabilitation and Correction's (ODRC) Video Conferencing staff that a court employee contacted them and changed the Zoomgov attendance of the incarcerated plaintiff at the July 14, 2021 final pretrial conference to a telephone attendance.¹ Accordingly, the Video Conferencing staff have arranged for the plaintiff to attend via telephone.

The Video Conferencing staff also informed this office that currently video conferences need to be scheduled three weeks in advance due to limited resources.² Defendants respectfully ask if the Court would like to proceed with plaintiff attending by telephone, move the final pretrial conference out to a future date, or take other action.

Should the July 14, 2021 final pretrial hearing be held, Defendants respectfully request that the designated ODRC individual with settlement authority, an attorney with ODRC Legal Services, be permitted to attend via telephone in an effort to preserve scarce State resources including mileage or use of a state car, time out of office, and lost time due to traveling from Columbus.

¹ Email from Judy Guyer to DRC Videoconference, July 7, 2021 at 11:14 am which was construed as a request to change the video conference to a telephone conference.

² Apparently, it is much more complicated than just having an inmate or employee sit down in front of a computer in an institution. Undersigned does not claim to have the technical background to completely understand this, but according to the Video Conference staff, ODRC employees working in institutions do not have access to Zoom or Zoomgov on their computers. The institutions use video room systems most of which are incompatible with a direct Zoom link. Video Conference staff must use "old video bridges that connect to Zoom, using a SIP address."

Respectfully submitted,

DAVE YOST
Ohio Attorney General

s/ Mindy Worly
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Trial Attorney for Defendants

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was electronically filed on July 8, 2021. Notice of this filing will be sent to counsel for all parties via the Court's electronic filing system. Parties may access this filing through the Court's system.

s/ Mindy Worly
Mindy Worly (0037395)
Principal Assistant Attorney General